

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 31, 1984
AT 9:00 A.M.

IN THE COUNCIL CHAMBERS -12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Hedgecock at 10:12 a.m. The meeting was recessed by Mayor Hedgecock at 11:35 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Gotch at 2:02 p.m. with Mayor Hedgecock and Council Members Cleator and Jones not present. Deputy Mayor Gotch adjourned the meeting at 2:55 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Hedgecock-present.
 - (1) Council Member Mitchell-present.
 - (2) Council Member Cleator-present.
 - (3) Council Member McColl-present.
 - (4) Council Member Jones-present.
 - (5) Council Member Struiksmma-present.
 - (6) Council Member Gotch-present.
 - (7) Council Member Murphy-present.
 - (8) Council Member Martinez-present.
- Clerk-Abdelnour (bb a.m.; mp p.m.)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:
Mayor Hedgecock-present.
Council Member Mitchell-present.
Council Member Cleator-present.
Council Member McColl-present.
Council Member Jones-present.
Council Member Struiksmma-present.
Council Member Gotch- present.
Council Member Murphy-present.
Council Member Martinez- present.

ITEM-203: (R-84-1234) ADOPTED AS RESOLUTION R-260041

Authorizing the City Manager to extend the term of an option agreement between the City and Mission Pacific Associates for

the development of a 650- room Ramada Hotel in the southeast corner of Mission Bay for an additional period to expire July 31, 1984, or until the toxic waste issue relating to the site is resolved, whichever date or event first occurs; authorizing the City Manager to grant additional extensions as necessary to resolve the toxic waste issue but in no event shall such extension exceed a two-year period ending July 31, 1986.

(Mission Bay Master Plan and South Shores Master Plan.
District-6.)

CITY MANAGER REPORT:

On October 12, 1982, the City of San Diego entered into an option agreement with Mission Pacific Associates for development and operation of a 650-room Ramada Renaissance hotel in the southeast corner of Mission Bay. That agreement had a term of 9 months and, at its expiration, a 50-year ground lease was to be executed. In the week prior to the expiration, an anonymous allegation was reported by local news media that toxic waste had been dumped on the site when it was the Mission Bay Landfill. Because testing was necessary to determine whether or not toxic wastes are present, and if so, at what level, the option agreement was extended for 6 months. Although extensive testing has been completed, the issue has not been resolved and an additional extension is necessary. It is also requested that the Manager be authorized to make additional extensions, if necessary, not to exceed a total of 2 years.

FILE LOCATION:

LEAS Mission Pacific Associates

COUNCIL ACTION: (Tape location: C429-439).

MOTION BY GOTCH TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmay-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-310: STUDENTS INTRODUCED AND WELCOMED BY COUNCIL

Welcoming 26 visitors from Muir Alternative School who will attend this meeting accompanied by Carolyn Esposito. This group will arrive at approximately 10:30 a.m.

(District-6.)

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A125-140).

**ITEM-330: (O-84-153) INTRODUCED AS AMENDED, TO BE ADOPTED
FEBRUARY 13, 1984**

Proposal to amend Section 101.0550 of the San Diego Municipal Code relating to the existing Sidewalk Cafe Ordinance, clarifying requirements and permitting enclosures under limited conditions.

FILE LOCATION:

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COUNCIL ACTION: (Tape location: A016-124).

Hearing began at 10:14 a.m. and halted at 10:22 a.m.

MOTION BY GOTCH TO INTRODUCE AS AMENDED WITH THE WORDING OF THE

ORDINANCE "IN ORDER TO MAXIMIZE VISUAL ACCESS, THE HEIGHT OF THE RAILING OR PLANTER SHALL NOT EXCEED THREE FEET AND ANY VEGETATION

SHALL NOT OBSTRUCT REASONABLE VISIBILITY FROM THE SIDEWALK" BE DELETED. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-331: (O-84-156) INTRODUCED, TO BE ADOPTED FEBRUARY 13, 1984

Proposal to approve Carroll Ridge Unit 4 Development Agreement.

The proposed Carroll Ridge Unit 4 Development Agreement would apply to 28.9 acres in the Mira Mesa Community. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The agreement is being proposed to meet a condition of an approved Tentative Subdivision Map. The development agreement would also assure the owner that the property could be developed in conformance with the Mira Mesa Community Plan, the M-1B and HR Zones and the approved Tentative Subdivision Map TM-83- 0239 for the 10-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is generally located on the north side of Miramar Road between Commerce Avenue and the AT&SF Railroad. A brief legal description of the site is as follows: portions of the NE 1/4 of the SE 1/4 of Section 10, Township 15 South, Range 3 West, SBBM. The specific legal description is on file in the Planning Department.

(District-5.)

FILE LOCATION:

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COUNCIL ACTION: (Tape location: A141-180).

Hearing began at 10:24 a.m. and halted at 10:27 a.m.

MOTION BY STRUIKSMA TO INTRODUCE. Second by Jones. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch- yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-332:

(Continued from the meetings of December 6, 1983 and January 17, 1984; last continued at Jim Kelly-Markham's request.)

Appeal of Gary M. Thomas from the decision of the Planning Commission in denying Hillside Review Permit HRP-83-0554, which proposes a residential townhouse project on a 0.34-acre site in Zone R-1000 (formerly R-3). This site is located at 4055 Eagle Street in the Uptown Community Plan area, and is further described as Lots 11 to 14, Block 49, Arnold and Choates Addition, Map- 334.

(HRP-83-0554. District-2.)

Subitem-A: (R-84-1349) ADOPTED AS RESOLUTION R-260040

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-83-0554 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-84-1350) ADOPTED AS RESOLUTION R-260045

Adoption of a Resolution granting or denying the appeal and the permit, with appropriate findings to support Council action.

FILE LOCATION:

PERM HRP-83-0554

COUNCIL ACTION: (Tape location: A181-B582).

Hearing began at 10:28 a.m. and halted at 11:35 a.m.

Testimony in favor of the appeal by John Thelan, Paul Buss, Paul Greiert and Gary Thorn.

Testimony in opposition of the appeal by Eric Blau, John Lomac and Jim Kelley-Markham.

MOTION BY CLEATOR TO CLOSE THE HEARING, ADOPT SUBITEM-A AND SUBITEM-B WITH THE CONDITION THAT THE PERMITTEE SHALL GRANT TO THE CITY OF SAN DIEGO OVER THE AREA OF THE REAR YARD SETBACK OF THE SUBJECT PROPERTY AN OPEN SPACE EASEMENT AND THAT THE FORM OF THE

GRANT OF EASEMENT SHALL BE REVIEWED AND APPROVED BY THE CITY ATTORNEY. Second by Mitchell. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-nay, Murphy-yea, Martinez-yea, Mayor Hedgecock-nay.

ITEM-333:

19840131

Matter of rezoning a portion of Lot 5 and Lot 10, New Riverside, Map-679, a 0.49-acre site located on the south side of Aero Drive between Linda Vista Road and State Highway 163, in the Serra Mesa Community Plan area, from Zone R-1-20 to Zone CO.

(Case-83-0488. District-5.)

Subitem-A: (R-84-1228) ADOPTED AS RESOLUTION R-260042

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-83-0488 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-84-158) INTRODUCED, TO BE ADOPTED FEBRUARY 13, 1984

Introduction of an Ordinance for CO Zoning.

FILE LOCATION: ZONE 1/31/84

COUNCIL ACTION: (Tape location: C028-044).

Hearing began at 2:04 p.m. and halted at 2:05 p.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING, ADOPT THE RESOLUTION,

AND INTRODUCE THE ORDINANCE. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-334:

19840131

Matter of rezoning Lot 1, Murphy's Mound, Unit 1, Map-5909, approximately 6.06 acres, located on the south side of

Clairemont Mesa Boulevard between Interstate 15 and Repecho Drive, in the Tierrasanta Community Plan area, from Zone M-2 to Zone M-IP.

(Case-83-0824. District-7.)

Subitem-A: (R-84-1227) ADOPTED AS RESOLUTION R-260043

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-83-0824 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-84-157) INTRODUCED, TO BE ADOPTED FEBRUARY 13, 1984

Introduction of an Ordinance for M-IP Zoning.

NOTE: On 7/5/83 Council adopted O-16002 N.S. granting M-1 Zoning. END-83- 0179 was certified on 6/21/83 for this project. Applicant has since withdrawn his request for M-1 Zoning. The Planning Department and the Planning Commission now request that this property be rezoned to M-IP.

FILE LOCATION: ZONE 1/31/84

COUNCIL ACTION: (Tape location: C045-105).

Hearing began at 2:05 p.m. and halted at 2:10 p.m.

MOTION BY MURPHY TO CLOSE THE HEARING, ADOPT THE RESOLUTION, AND

INTRODUCE THE ORDINANCE. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-335: (R-84-) CONTINUED TO FEBRUARY 21, 1984, 2:00 P.M.

Matter of application of Southwestern Cable TV for an amendment to an existing Conditional Use Permit CUP-0696, to enlarge an existing television office and studio facility and adjust the permit boundary for additional parking use. The property is located at 8949 Ware Court, a 2.72-acre site in Zone M-1B, within the boundaries of the Mira Mesa Community Plan, and is more particularly described as Parcels 3 and 4, Parcel Map PM-9713 and a portion of Section 11, Township 15 South, Range 3 West, S.B.B.M.

(CUP-83-0696. AM. to CUP-589}. District-5.)

NOTE: Environmental Negative Declaration END-79-10-61 was

reviewed and considered by the Council on March 11, 1980, Resolution R-251365.

The Environmental Quality Division has stated this project has received adequate prior review and no further review is necessary.

Pursuant to Section 101.0507 of the Municipal Code, this application must be approved or denied by Council.

FILE LOCATION:

PERM CUP-589

COUNCIL ACTION: (Tape location: C010-026).

MOTION BY MARTINEZ TO CONTINUE FOR THREE WEEKS AS REQUESTED
BY

THE REPRESENTATIVE FROM SOUTHWESTERN CABLE. Second by McColl.

Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-336: CONTINUED TO FEBRUARY 14, 1984, 3:00 P.M.

19840131

Matter of the appeal of Barton H. Boyer III from the decision of the Planning Commission in granting an extension of time for Planned Residential Development Permit and Tentative Map PRD and TM-83-0675 (old PRD-20-159-0), which proposes a 41-unit residential development and a 43-lot subdivision

(Halifax Views) on 5.64 acres of land. The subject property is located on the east side of Halifax Street, north of Greenbrier Street, in the Navajo Community Plan area, in Zone R-1-5 and is further described as Lots 2615 and 2616, Allied Gardens, Unit 13, Map-3544.

(PRD and TM-83-0675. District-7.)

Subitem-A: (R-84-)

Adoption of a Resolution granting the appeal and denying the extension of time to the permit or denying the appeal and granting the extension of time to the permit with appropriate findings to support Council action.

Subitem-B: (R-84-)

Adoption of a Resolution granting the appeal and denying the extension of time to the map or denying the appeal and granting the extension of time to the map with appropriate findings to

support Council action.

NOTE: Environmental Impact Report EIR-79-04-57 was reviewed and considered by the Council on February 9, 1982, Resolution R-255810.

The appropriate findings of mitigation, feasibility or project alternatives were reviewed and considered by the Council as previously submitted in conjunction with EIR-79-04-57 on

February 9, 1982, Resolution R-255813.

FILE LOCATION: Subitem-A PERM PRD-20-159-0; Subitem-B SUBD Halifax Views

COUNCIL ACTION: (Tape location: C107-428).

Hearing began at 2:10 p.m. and halted at 2:33 p.m.

Testimony in favor of the appeal by Joan Boyer.

Testimony in favor of a continuance by Ron Aspin of Pacific Engineering.

Motion by Murphy to deny the extension of time based on the increased traffic on Mission Gorge and Zion Street. Second by Martinez. No vote taken.

MOTION BY MURPHY TO CONTINUE FOR TWO WEEKS AT MR. ASPIN'S REQUEST

AND THAT STAFF IS TO PRESENT TO COUNCIL MEMBERS A RECONCILED TRAFFIC

REPORT OF THE MISSION GORGE/ZION STREET AREAS. Second by Martinez.

Passed by the following vote: Mitchell-yea, Cleator-yea,

McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea,

Martinez-yea, Mayor Hedgecock-not present.

ITEM-UC-2: (R-84-1284) ADOPTED AS RESOLUTION R-260044

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Matter of the January 31 communication from Congressman Duncan Hunter concerning federal reimbursement for connection and operation costs associated with the South Bay holding pond project.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: C440-D111).

MOTION BY MARTINEZ TO COMPLETE THE CONNECTION FOR TREATMENT OF

SEWAGE PER CONDITIONS AS STATED IN MR. FRIEDKIN'S LETTER OF JANUARY

31, 1984, AND TO ASK MAYOR HEDGECOCK TO EXPRESS THE CITY'S APPRECIATION TO REPRESENTATIVE DUNCAN HUNTER AND MR. FRIEDKIN FOR

THEIR ASSISTANCE WITH REGARD TO FEDERAL REIMBURSEMENT FOR THE

CONNECTION AND OPERATION COSTS ASSOCIATED WITH THE SOUTH BAY
HOLDING

POND PROJECT. Second by Cleator. Passed by the following vote:

Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea,

Gotch- yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not

present.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Gotch at 2:55 p.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION: (Tape location: D111).